

AGN. NO. _____

MOTION BY SUPERVISORS SHEILA KUEHL
AND MARK RIDLEY-THOMAS

October 30, 2018

Expanding Countywide Mental Health Diversion for Justice Involved Adults

In August 2015, the Board of Supervisors created the Office of Diversion and Reentry (ODR) to support individuals in the criminal justice system whose charges are strongly tied to their serious and persistent mental health and/or substance use disorders. The County's main goal in creating the ODR, as well as a variety of efforts embedded in County departments and developed through cross-departmental partnerships, is to move this target population into appropriate community-based treatment settings, and out of the criminal justice system, in a manner consistent with public safety. To this end, the Board continues to build the physical infrastructure, service capacity and human capital needed to create a robust System of Care for individuals with clinical and social services needs in the criminal justice system. This System of Care includes, among other things: housing for those facing homelessness; clinical services to meet unmet clinical needs; information technology tools to allow more sophisticated and complete management of individuals with clinical needs encountered in the justice system; and the case management and community

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supervision required to support participants in diversion and reentry programming to thrive while maintaining public safety.

In recognition of the need to invest in building such a System of Care, the California State Legislature passed Assembly Bill (AB) 1810 and Senate Bill (SB) 215 (2018) which amended Penal Code (PC) Sections 1001.35-1001.36 to create a way for courts to authorize pre-trial diversion for individuals with serious mental disorders who are charged with certain felony or misdemeanor crimes. Additionally, AB 1810 established Welfare and Institutions Code (WIC) 4361, which allows a funding opportunity for the Department of State Hospitals (DSH) to contract with counties to support a specific target population of individuals with serious mental illnesses who have the potential to be or are deemed Incompetent to Stand Trial (IST) on felony charges. The program outlined in WIC 4361 is known as the DSH Diversion funding program, and one-time funds of \$100 million have been made available to support this effort over a three-year period. In a recently released Request for Letters of Interest (RLOI), DSH outlined the process by which the top 15 referring counties can apply for the \$100 million in funding. These guidelines indicate that Los Angeles County (County) is allowed to apply for an amount between \$13,461,000 and \$31,036,920. This amount includes a 20% required County funded match of between \$2,243,600 and \$5,172,820. Depending on the level of funding secured, the County would be required to serve between 79 and 182 program participants, as outlined in the RLOI guidelines.

WE, THERERFORE, MOVE that the Board of Supervisors:

1. Direct the Department of Health Service's Office of Diversion and Reentry (ODR), as the County's lead entity, to submit the RLOI by the October 31, 2018 deadline, for the maximum available state funding;
2. Direct ODR to immediately collaborate with County partners to plan and implement the Mental Health Diversion program in Los Angeles, including the need to respect client confidentiality in referring to appropriate services. Partners will include the Department of Mental Health, the Department of Public Health Substance Abuse Prevention and Control, Public Defender, Alternate Public Defender, District Attorney, Superior Courts, Probation and Sheriff's Department;
3. Direct ODR to work with the Chief Executive Officer to identify sources for the 20% required County match;
4. Direct ODR to examine opportunities to leverage the available state funding with other sources of funding such as Medicaid or housing-related funding and subsidies; and
5. Direct ODR to report back in 90 days with a summary of the program submitted to the State and progress toward creating the infrastructure for implementing these diversion options once the State funding is allocated.